



FH
[REDACTED]

STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]

DECISION

BCB/147456

PRELIMINARY RECITALS

Pursuant to a petition filed February 20, 2013, under Wis. Stat. § 49.45(5)(a), to review a decision by the Racine County Department of Human Services in regard to Medical Assistance, a hearing was held on April 02, 2013, at Racine, Wisconsin.

There are no issues remaining for determination by the Division of Hearings and Appeals at this time.

There appeared at that time and place the following persons:

PARTIES IN INTEREST:

Petitioner:

[REDACTED]
[REDACTED]
[REDACTED]

Respondent:

Department of Health Services
1 West Wilson Street
Madison, Wisconsin 53703

By: Kathy Christman

Racine County Department of Human Services
1717 Taylor Ave
Racine, WI 53403-2497

ADMINISTRATIVE LAW JUDGE:

David D. Fleming
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # [REDACTED]) is a resident of Racine County.
2. Petitioner filed this appeal to contest the denial of Medicaid applications for herself and her child for failure to verify.
3. At the hearing for this matter it was determined that Petitioner's child was eligible for BadgerCare+ benefits which could be backdated to February 1, 2013 with payment of the

premium. Petitioner indicated that she would pay the premium right away. Post-hearing agency did indicate that premium was paid and that Petitioner's child certified eligible for BadgerCare+ effective February 1, 2013.

4. Petitioner's Medicaid application is a disability-based application. At the hearing for this matter Petitioner indicated that she has a concurrent application pending for Social Security SSI benefits. At the time of the hearing she was anticipating a positive response from the Social Security Administration as an SSI application within a fairly short time after the hearing

DISCUSSION

As noted above, the issue of the Medicaid eligibility of Petitioner's child has been resolved.

For Petitioner herself, there is still the issue of her application for disability based Medicaid. I am concluding, however, that there is no issue for resolution by the DHA because the issue is moot. A matter is moot if the review sought cannot have a practical effect on the existing controversy. *See Racine v. J-T Enterp.*, 64 Wis. 2nd 691, 702; 221 N.W. 2nd 869, 875 (1974).

Here Petitioner has a Social Security Administration SSI claim pending with a decision imminent. A finding of disability at the State level must be in accordance with federal social security/SSI standards. *See Wis. Stat. § 49.47(4)(a)4.* Because the standards are the same, a finding for Social Security/SSI purposes made within 12 months of the Medicaid application is binding on a State Medicaid (MA) agency. *See 42 C.F.R. § 435.541(a); see also U.S. Department of Health and Human Services commentary, 54 Fed. Reg. 236 (1989).* Thus Petitioner's Social Security decision as to disability will be binding on the State. If the decision is not in Petitioner's favor, Petitioner may file another disability based Medicaid application with the State but should be aware that unless the medical diagnoses are different than those considered by the Social Security Administration, that Social Security finding is likely binding on the State.

These circumstances leave no issue for determination by the Division of Hearings and Appeals at this time.

CONCLUSIONS OF LAW

That there are no issues for resolution by the Division of Hearings and Appeals at this time.

THEREFORE, it is

ORDERED

That this appeal is dismissed.

REQUEST FOR A REHEARING

This is a final administrative decision. If you think this decision is based on a serious mistake in the facts or the law, you may request a rehearing. You may also ask for a rehearing if you have found new evidence which would change the decision. Your request must explain what mistake the Administrative Law Judge made and why it is important or you must describe your new evidence and tell why you did not have it at your first hearing. If you do not explain these things, your request will have to be denied.

To ask for a rehearing, send a written request to the Division of Hearings and Appeals, P.O. Box 7875, Madison, WI 53707-7875. Send a copy of your request to the other people named in this decision as

"PARTIES IN INTEREST." Your request for a rehearing must be received no later than 20 days after the date of the decision. Late requests cannot be granted.

The process for asking for a rehearing is in Wis. Stat. § 227.49. A copy of the statutes can be found at your local library or courthouse.

APPEAL TO COURT

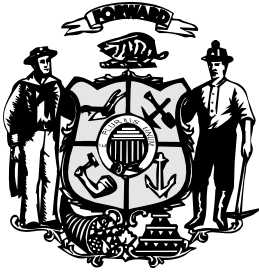
You may also appeal this decision to Circuit Court in the county where you live. Appeals must be served and filed with the appropriate court no more than 30 days after the date of this hearing decision (or 30 days after a denial of rehearing, if you ask for one).

For purposes of appeal to circuit court, the Respondent in this matter is the Department of Health Services. After filing the appeal with the appropriate court, it must be served on the Secretary of that Department, either personally or by certified mail. The address of the Department is: 1 West Wilson Street, Madison, Wisconsin 53703. A copy should also be sent to the Division of Hearings and Appeals, 5005 University Avenue, Suite 201, Madison, WI 53705-5400.

The appeal must also be served on the other "PARTIES IN INTEREST" named in this decision. The process for appeals to the Circuit Court is in Wis. Stat. §§ 227.52 and 227.53.

Given under my hand at the City of Milwaukee,
Wisconsin, this 10th day of May, 2013

\sDavid D. Fleming
Administrative Law Judge
Division of Hearings and Appeals



State of Wisconsin\DIVISION OF HEARINGS AND APPEALS

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The preceding decision was sent to the following parties on May 10, 2013.

Racine County Department of Human Services
Division of Health Care Access and Accountability